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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No: 6103

James SAMSOONDAR

Attorney Docket No: 026806.00011

Serial Number: 10/721,253

Group Art Unit: 1743

Filed: November 26, 2003

Examiner: Maureen WALLENHORST

For: QUALITY CONTROL MATERIAL FOR REAGENTLESS MEASUREMENT OF ANALYTES

TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. 1.321(b) AND 1.321(c)

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Date: **March 14, 2006**

Sir:

Spectromedical Inc., the owner of the entire interest in the above-identified U.S. Patent Application Serial No. 10/721,253, filed on November 26, 2003, entitled "Quality Control Material for Reagentless Measurement of Analytes," as evidenced by an assignment to Spectromedical Inc. recorded at the U.S. Patent and Trademark Office on April 25, 2005 at Reel No. 016149, Frame Nos. 0926-0930, hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. § 154 and 173, of any patent granted on commonly owned U.S. Patent Application No. 10/319,492. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Application No. 10/319,492

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are commonly owned. This agreement shall run with any patent granted on the instant application and shall be binding upon the assignees, their successors, or assigns.

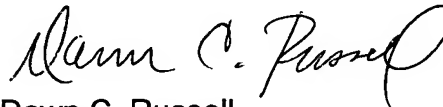
Spectromedical Inc. also hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. § 154 and 173, of commonly owned U.S. Patent No. 6,828,152. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 6,828,152 are commonly owned. This agreement shall run with any patent granted on the instant application and shall be binding upon the assignees, their successors, or assigns.

In making the above disclaimers, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of either of U.S. Patent No. 6,828,152, as the term of said U.S. Patent No. 6,828,152 is presently shortened by an any terminal disclaimer, or any patent granted on U.S. Application No. 10/319,492, as the term of any patent granted on said U.S. Application No. 10/319,492 may be shortened by any terminal disclaimer filed prior to the grant of any patent on said U.S. Application No. 10/319,492, in the event that either U.S. Patent No. 6,828,152 or any patent granted on U.S. Application No. 10/319,492 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned is attorney of record and has the authority to execute this Terminal Disclaimer on behalf of Spectromedical Inc., and has reviewed the above-referenced assignments and hereby certifies that, to the best of my knowledge and belief, title is in the assignee on whose behalf this terminal disclaimer is being filed.

Enclosed is a check in the amount of \$130.00 to cover the cost of the terminal disclaimer fee. Applicants believe that no additional fees are required in connection with this filing. However, if additional fees are believed to be required, the Commissioner is hereby authorized to charge any additional payment, or credit any overpayment, to Deposit Account No. 01-2300, **referencing Docket Number 026806.00011.**

Respectfully submitted,
ARENT FOX PLLC



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